

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 84 of 1999

in

SPECIAL CIVIL APPLICATION No 8996 of 1998

with

CIVIL APPLICATION NO.258 OF 1999

WITH

LETTERS PATENT APPEAL NO.120 OF 1999

WITH

CIVIL APPLICATION NO.432 OF 1999

IN

SPECIAL CIVIL APPLICATION NO.8996 OF 1998

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and
MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

AGRICULTURAL PRODUCE MARKET COMMITTEE

Appearance:

In LPA No.84/99:

GOVERNMENT PLEADER for Appellants

MR.N.K.Pahwa for respondent No.1

Ms.K.A.Mehta for respondent No.2

Mr.Tushar Mehta for respondent Nos 3-27

In LPA No.120/99:

Mr.N.K.Pahwa for appellant
Mr.Premal Joshi, Ld.AGP with Mr.S.N.Shelat,
Ld.Addl.A.G. for respondent No.1
Ms.K.A.Mehta for respondent No.2
Mr.Tushar Mehta for respondent Nos 3-28

CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and
MR.JUSTICE K.M.MEHTA
Date of decision: 29/09/1999

ORAL JUDGEMENT

1. Admitted.

2. In LPA No.84 of 1999 Mr.N.K.Pahwa appears and waives service of notice on behalf of respondent No.1, Ms.K.A.Mehta appears and waives service of notice of admission on behalf of respondent No.2 and Mr.Tushar Mehta appears and waives service of notice of admission on behalf of respondent Nos 3 to 27.

3. In LPA No.120 Mr.S.N.Shelat, Ld.Addl.AG with Mr.Premal Joshi, Ld.AGP appears and waives service of notice of admission on behalf of respondent No.1, Ms.K.A.Mehta appears and waives service of notice of admission on behalf of respondent No.2 and Mr.Tushar Mehta appears and waives service of admission on behalf of respondent Nos 3 to 28.

4. In the facts and circumstances of the case and with the consent of parties both the appeals are taken up for final hearing today.

5. Both the appeals have been filed against a common order passed in Special C.A.No.8996 of 1998 by the learned single Judge on December 23, 1998. The learned single Judge issued rule and made the rule returnable in the third week of March, 1999.

6. On interim relief, the learned single Judge observed as under:

"It will be open for the respondent-State to issue the notification of the merger of Dhoraji Agricultural Produce Market Committee and Jamkandorna Agricultural Produce Market Committee. However, respondents shall supply the

copies thereof to the concerned petitioner, but the said notification shall not be implemented for a period of 4 weeks from the date of the communication to the petitioner to enable the petitioner to challenge the same and to obtain an appropriate relief. In the meantime, it will be open for the concerned petitioner-Agricultural Produce Market Committee to hold the meeting for the purpose of election of the office bearers, however, this relief is subject to the final result of the petition".

7. It is agreed between the parties that since the main matter is admitted and awaits final hearing, it may not be necessary to decide the controversy raised therein as the appeals are only against an interlocutory order. It is, however, agreed by all the parties that the implementation of notification against which interim relief is granted for a period of four weeks "from the date of communication of the order" may be restricted to "two weeks" from such communication.

8. In the light of the above agreement, both the Letters Patent Appeals deserve to be disposed of and are accordingly disposed of. We may state that we express no opinion on merits and as and when the matter is heard by the Learned single Judge, the same will be decided in accordance with law on its own merits. It is, however, directed that the implementation of the notification shall not be implemented for a period of two weeks from communication of the order.

9. Both the appeals are accordingly disposed of. No order as to costs.

10. In view of disposal of both the appeals no order on both the Civil Applications and they stand disposed of accordingly. No costs.

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